

MEMORANDUM OF LAW

DATE: September 30, 1993

TO: Terry "Skip" Berend, San Ysidro Redevelopment Area
Economic Development Program, City Manager

FROM: City Attorney

SUBJECT: Resident Legal Alien Serving on a Project Area
Committee

You have asked us whether there is any law precluding a resident legal alien from serving as a member of a Project Area Committee ("PAC") or voting for a representative to the PAC.

We have reviewed the California Community Redevelopment Law and the PAC formation procedures adopted by the City Council for the San Ysidro Redevelopment Area and can find nothing that would preclude a resident legal alien from serving on a PAC or voting in the formation of the PAC. California Health and Safety Code section 33385(b)(5)(c) provides that a PAC "shall include . . . residential owner occupants, residential tenants, business owners, and representatives of existing organizations within the project area."

The only qualifying criteria is that the PAC member be a resident or business owner within the project area. If the legislature had intended to exclude aliens from eligibility to serve on a PAC, they would have included language in Section 33385(b)(5)(c) mandating that a PAC shall include "citizens who are." In addition, we must mention that it would appear contrary to the purpose of the law to conclude differently on this issue. The recognized role of a PAC is to advise the City Council on policy matters affecting the residents of the project area, whether those residents are citizens or legal aliens.

Please contact me if you have any questions.

JOHN W. WITT, City Attorney

By

Richard A. Duvernay

Deputy City Attorney

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